(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO.655 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri S. S. Kantak, advocate for the petitioner.

Shri N. N. Sardessai, advocate for respondent no.1.

Shri G. Shirodkar, Additional Government Advocate for respondent Nos.2 and 3.

CORAM : SMT. NISHITA MHATRE, J.

DATE : 5th February, 2004

P.C.:

The petitioner impugns the Order passed by the Administrative Tribunal, Goa, on the ground that this Order has been passed without hearing her. It appears that on 14th October, 2003, the arguments were heard by the Presiding Officer, who was holding charge of the office of the President of the Administrative Tribunal. The Presiding Officer on that date had also directed the parties to file written arguments after the hearing was completed. On 27th October,

2003, an application was made by the petitioner before the President stating that her advocate was out of station and, therefore, she required time to file written arguments. The matter was then adjourned to 5th November, 2003, when a similar application was made. The matter stood adjourned to 7th November, 2003. The appellant was directed to file written submissions on or before 11th November, 2003, and the matter was posted for order on 13th November, 2003.

2. It appears that despite these orders the petitioner did not file written arguments as she was unable to do so on account of her advocate's absence from the city. Her application for adjournment in order to engage another advocate, was also dismissed. Apparently the learned Judge who heard the arguments was not the same as the President who pronounced the Order on 13th November, 2003. Obviously,

therefore, the observations made by the learned Judge in his Order of 13th November, 2003 that the petitioner was heard in the matter and the matter was adjourned only for filing written arguments is incorrect. This is because a hearing must be given by the same person who is to pass the Order.

3. The Order impugned dated 13th November, 2003, is set aside. The petitioner may file written arguments within seven days from today before the Administrative Tribunal The Administrative Tribunal shall give a fresh hearing to both the petitioner and the respondents and decide the matter by the end of February, 2004.

Petition disposed of accordingly.

SMT. NISHITA MHATRE, J.

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